

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

ROBERT CARL LEONARD, JR.

NO. 3:18-CR-410-M

**GOVERNMENT’S UNOPPOSED MOTION
FOR PRELIMINARY ORDER OF FORFEITURE**

The United States of America (“the government”) requests entry of a preliminary order of forfeiture, and in support, states:

I. BACKGROUND

1. Count One of the information charged the defendant Robert Carl Leonard, Jr. with violations of 18 U.S.C. § 1349 and notified the defendant that upon conviction, the government will seek to forfeit the following:

- 2008 Bentley Continental GT, Vehicle Identification Number SCBDR33W58C057347, titled to Noella, LLC;
- 2012 Jeep Grand Cherokee, Vehicle Identification Number 1C4RJECT0CC363070, titled to Force Multiplier, LLC;
- \$109.39 in United States currency seized from the account ending in x0851 on June 15, 2017;
- \$29,449.64 in United States currency seized from the account ending in x3128 on June 15, 2017;
- \$150,770.90 in United States currency seized from the account ending in x9508 on June 15, 2017;

- \$557,273.60 in United States currency seized from the account ending in x2057 on June 15, 2017;
- \$564.00 in United States currency seized from the account ending in x8321 on June 15, 2017;
- Collection of seven paintings by artist David Harouni seized on June 15, 2017;
- Assorted Jewelry seized on June 15, 2017: One ring, white metal with white stones; Four Infinity rings, white metal and yellow metal, located in a "Rothschild Diamond" box; One ring, yellow and white metal with white stones in a "Bachendorf s" box; and One floral necklace, white metal with white stones in a "Bachendorf s" box.

("the property"). *See* Information Dkt. 1).

2. Robert Carl Leonard, Jr. pled guilty to Count One and described in a factual resume how the property was involved in the offense. *See* Plea Agreement and Factual Resume (Dkt. 3 and 4).

II. AUTHORITIES

3. The court's jurisdiction is based on 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

4. Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) any person convicted of violations of 18 U.S.C. § 1349 shall forfeit any property constituting, or derived from, or traceable to, proceeds the defendant obtained directly or indirectly, as the result of the offense.

III. ARGUMENT

5. Based upon Robert Carl Leonard's guilty plea and factual resume, the government has established the requisite nexus between the property and the violations charged in the information. Accordingly, the property is subject to forfeiture to the government.

6. In accordance with Fed. R. Crim. P. 32.2(b), if there is a finding property is subject to forfeiture, a preliminary order of forfeiture directing the forfeiture of that property shall be promptly entered without regard to any third party's interest in all or part of the forfeited property. A third party's interest is adjudicated in the ancillary proceeding under Rule 32.2(c).

7. Upon entry of the preliminary order of forfeiture, pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(3), the Attorney General will post notice of the forfeiture on an official government website (www.forfeiture.gov) for at least 30 consecutive days which describes the property with reasonable particularity; states the time under 21 U.S.C. § 853(n) when a petition contesting the forfeiture must be filed [no later than 60 days after the first day of publication on an official internet government forfeiture site]; and provides contact information for the government attorney to be served with the petition to the Asset Recovery Unit, U.S. Attorney's Office, Northern District of Texas, 1100 Commerce Street, Third Floor, Dallas, Texas 75242. This notice shall also state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury;

and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

8. The government shall send, by means reasonably calculated to reach the person, direct written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the property in ancillary proceedings.

IV. RELIEF

9. Therefore, the government asks the court to enter a preliminary order forfeiting the property to the government and ordering the United States Marshal's Service to seize and maintain custody of the property and dispose of it in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

Respectfully submitted,

ERIN NEALY COX
United States Attorney

/s/ Dimitri N. Rocha
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CERTIFICATE OF CONFERENCE

I certify that the defendant and the attorney for the defendant have previously agreed to forfeiture of the property as requested.

/s/ Dimitri N. Rocha

DIMITRI N. ROCHA
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on August 9, 2018, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic filing” to counsel for defendant, who has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Dimitri N. Rocha

DIMITRI N. ROCHA
Assistant United States Attorney